REMARKS

Preliminary Matters:

Dealing with preliminary matters first, Applicant thanks the Examiner for acknowledging Applicant's claim to priority and receipt of the priority document. Further, it is noted with appreciation that the Examiner has accepted the drawings. Finally, Applicant thanks the Examiner for considering the references cited in the Information Disclosure Statement filed on February 16, 2006.

Disposition of Claims:

Claims 1-25 are all the claims pending in the application. Of these claims, claims 1-9 and 15-17 are rejected and claims 10-14 and 18-25 are objected to. Claims 26-51 have been added to the application. Claims 26-50 correspond to the claims that were allowed by the EPO. Claim 51 depends from claim 15 and recites that the device further comprises means for spreading out of said drugs disposed prior to said scanning means. For the reasons discussed below, it is submitted that the application is in condition for allowance.

Specification:

The specification is objected to as failing to provide proper antecedent basis for the subject matter recited in claim 17. Applicant submits that the above amendment to claim 17 overcomes this objection.

Allowable Subject Matter:

Applicant thanks the Examiner for indicating that claims 10-14 and 18-25 contain allowable subjected matter, but are objected to as being dependent upon a rejected base claim.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1-8 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sleep, et al. (U.S. Patent Publication No. 2002/0099467) in view of Rast (U.S. Patent Publication No. 2003/0200726). Further, claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over modified Sleep further in view of Siegel, et al. (U.S. Patent Publication No. 2002/0153056). Still further, claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over modified Sleep further in view of Kamewada (U.S. Patent No. 5,543,972). For the following reasons, Applicant respectfully traverses these rejections.

Prior art

Sleep describes an automated packaging line for filling large and small orders. A *flex filler 26 fills the bottles with the correct number of inspected tablets...* [0052]. The flex filler 26 inspects every tablet for size, shape and colour, and counts the correct number of tablets placed into each bottle [0049]. After filling, the capper 30 caps the filled bottles using caps supplied thereto.

Rast describes an internet-based distribution of medicaments and supplements. In paragraph [0116] it is described to check the number, size and colour of tablets using a camera and comparing the data with a database.

The Claims Patentably Distinguish over the Prior Art

Applicant respectfully submit that the claims patentably distinguish over the prior art. A first difference is found with respect to Sleep. It is noticed that Sleep is a packaging line, where the claimed invention relates to a device and method for checking drugs already packed. Paragraph

[0042] mentions that the Customer-Specific-Packaging-Line (CSPL) that has filled and labelled bottles as output. The system comprises measures for ensuring that the correct number and kind of tablets are being fed to the bottles. However, Sleep doesn't disclose to verify if the correct drugs are actually present in the bottles, packs, strings.

The method and device claimed relates to verifying if the correct drugs are present in the different packs or strings. Claim 1 recites:

- infeed of patient drug data
- conveying said drugs past a camera
- optical scanning said drugs by a camera,
- comparing said scanned rugs with said infeed

The Office Action further refers to paragraph [0063] of Sleep. However, in paragraph [0063] the contents of RF tag 36 attached to a puck carrying the bottle is compared to the barcode on the bottle, which is not the same as comparing *said scanned drugs* to an infeed of patient drug data. Sleep doesn't provide a verification that the actual content of the bottle is as it should be.

Furthermore, claim 1 mentions *each string is provided with patent data, said camera inspecting said packs and groups of drugs therein.*

This is not the case in Sleep, as according to Sleep, the bottles are filled with tablets by flex filler 26, which has the bottles with the correct number of inspected tablets, and simultaneously writes the customer specific data to the puck's RF Tag 46. So, it is clear from Sleep, that the drugs are inspected before being fed to the bottles and not after being filled as is the case in claim 1. Also, the customer specific data or patient data is not already present on the

bottles, packs or strings at the time of performing the inspection, but only after the inspection, i.e. during the filling process.

Finally, claim 1 comprises the following feature ...wherein *the scanned image of the patient data and packs having groups of drugs therein, is entered in said memory.* According to the Office Action, this would be disclosed in paragraph [0052]. However, this paragraph relates to storing customer specific data to a RF tag comprised by the puck carrying the bottle to be filled. This is a different kind of memory and a different kind of data than claimed. Claim 1 refers to entering a *scanned image of the patient data and packs having groups of drugs therein,* not just the patient data. Claim 1 introduces the advantage that a proof of the state of the pack at the time of inspection is obtained (see paragraph [0009] of the application).

Therefore, it is submitted that the independent claims (claim 15 substantially mirroring the above features of claim 1, patentably distinguish over Sleep.

Rast does indeed disclose that groups of drugs are provided in a pack and a number of packs is connected to provide a string, wherein each string is provided with patient data, see paragraph [0075]. However, paragraph [0116], to which reference is made in the Office Action, describes to check a set of doses prior to packaging, it is before the drugs is actually put in the pack.

So, claim 1 discloses that during the optical scanning, the group of drugs are provided in a pack, which is not the case in Rast.

Furthermore, the feature ...*wherein the scanned image of the patient data and packs having groups of drugs therein, is entered in said memory* is not disclosed in Rast. The Office Action refers to paragraph [0116]. However, paragraph [0116] mentions the use of RFID's to help identification of the drugs. According to Rast, this RFID's are not filled with data relating to the

scanned image of the patient data and packs having groups of drugs therein. As stated above, claim 1 introduces the advantage that a proof of the state of the pack at the time of inspection is obtained (see paragraph [0009] of the application), which is not provided by Rast.

Based on the above it is clear that the independent claims patentably distinguish over Rast as well.

Also, it is unclear why a skilled person would combine these two documents, and even if the skilled person would combine Sleep and Rast, it would not come to the invention as now claimed.

With respect to new claims 26-50, it is submitted that these claims are also patentable for the above reasons and for the additional reason that the prior art does not teach or suggest the feature that *the scanned image of the patient data and packs having the group of drugs therein, is entered in said memory for providing proof of the state of each pack at the time on inspection.*

Also, Applicant respectfully submits that the prior art does not teach or suggest the feature recited in claim 7, which depends on claim 1, *in which before the scanning of the drugs they are subjected to a treatment for spreading them out.* Claim 51, which includes a similar feature and depends from device claim 15, is also patentable over the prior art for this additional reason.

It is noted that in the Office Action the Examiner asserts that this feature is disclosed by Sleep in paragraph [0058]. However, the vibratory feeders according to Sleep to which reference is made serve the purpose of ensuring that when the type of tablets in a filler are to be changed, all old tablets are removed from the filler. The vibratory feeders are by no means used to perform a treatment of spreading drugs around to ensure that the scanning of the drugs by the camera clearly shows all drugs clearly.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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